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*MS*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/333,115	06/15/99	HEATH	R HEATH-US-38

IM22/0929

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EXAMINER

SPITZER, R

ART UNIT

PAPER NUMBER

1724

DATE MAILED:

09/29/00

*3*

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/333,115

Applicant(s)

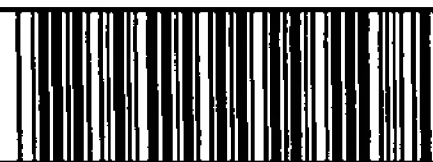
Heath

Examiner

Spitzer, Robert H.

Group Art Unit

1724



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1, 5, and 6 is/are allowed.

☒ Claim(s) 2-4 and 7-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. On Fig. 2 of the drawing, there is no description of number "96" in the specification.
2. Claims 1, 5 and 6 are allowed.
3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-4 and 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is indefinite because of the recitation of "said apparatus" in line 1, wherein it is not known to which of the many different "apparatus" recited in claim 1 is being referred to. Claims 3 and 4 depend from indefinite claim 2 and are indefinite for that reason. Claim 7, line 4 and claim 14, line 7 are indefinite because there is no direct antecedent basis for the recitation of "said first chamber". Claim 8 is indefinite because it recites "wet glycol" without any correlation to previous uses of that same term. Claim 10 is indefinite because in line 10 it recites "an educator" without any correlation to "an educator" recited previously in claim 9. Claims 11, 13 and 14 are indefinite because in line 7, there is no direct antecedent basis for the recitation of "said collected gases". Claims 9 and 12 are indefinite because they depend from indefinite claim 8.

5. Claims 2-4 and 7-14 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action.
6. The references cited on both the PTO-892 and the PTO-1449 show art of interest only.

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7. Applicant's response to this office action should also include the following editorial changes to the specification and claims: page 2, line 6, "frrom" should be "from"; page 4, line 26, "though" should be "through"; in claim 7, line 8, "fro" should be "for"; claim 12, line 8, "form" should be "from"; and, on page 19, line 1, "of the Disclosure" should be inserted after "Abstract".
8. Any inquiry concerning this communication should be directed to Robert H. Spitzer at telephone number (703) 308-3794.

Robert H. Spitzer/om  
September 28, 2000

*Robert H. Spitzer*  
ROBERT H. SPITZER  
PRIMARY EXAMINER  
T.C. 1700  
September 28, 2000